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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO:21828 of 2006

DATED: 23-10-2006

Between:
Dr.G.Raju

..... PETITIONER

AND

1. The Director of Health, Andhra Pradesh, Sultan Bazar, Hyderabad and another

.....RESPONDENTS

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ORDER: (per Hon'ble Sri Justice B.Prakash Rao)

Heard the learned counsel for the petitioner and also the learned Government Pleader for Services I, and at their request, the main writ petition itself is taken up for disposal at the stage of admission.

The petitioner herein, who is an unsuccessful applicant before the A.P.Administrative Tribunal in O.A.No.5115 of 2006 filed under

Section 19 of the Administrative Tribunals Act, 1985 where he sought to assail the impugned punishment of stoppage of one annual grade increment without cumulative effect, approached this Court.

Though several contentions are sought to be urged to the effect that no proper enquiry was conducted and no opportunity was given to defend himself against the enquiry officer's report, and therefore, the disciplinary action is only without jurisdiction, however, the Tribunal did not entertain the application having regard to the alternative remedy of appeal available to him under the A.P.C.S. (CC&A) Rules. Hence, this writ petition.

Having heard the learned counsel both sides and also on perusal of the material on record, we are entirely in agreement with the observation of the Tribunal to the effect that the petitioner could have as well exhausted the remedy of appeal before the competent authority which can be gone into and aptly answered. Having regard to the same, we do not find any justification to interfere under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to avail the alternative remedy of appeal within a period of two weeks from today and on filing the same, the same shall be disposed of on merits and in accordance with law, after giving notice and opportunity to both sides. No costs.

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B.PRAKASH RAO, J

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G.V.SEETHAPATHY, J

23rd October, 2006
SKM